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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/931,828

08/17/2001

Leon Yulkowski

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EXAMINER

VARNER, STEVE M

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,828

Applicant(s)

YULKOWSKI, LEON

Examiner

Steve M Varner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19, 25-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang in view of Teleskivi.

Regarding claims 1, 9, Tang shows spacers (27) disposed within the void (28), a first sheet of fire resistant insulating material (23), a second sheet of fire resistant insulating material (24), a first outer skin (21), and a second outer skin (22). (Fig. 2)

Tang does not show fiber-strengthened composite material. Teleskivi shows fiber-strengthened composite material (Col. 2, Line 35-40). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use fiber-strengthened composite material as in Teleskivi in the structure of Tang to protect from fire while maintaining strength.

Tang does not show a top rail, a bottom rail. Teleskivi shows a top rail (24), a bottom rail (24) (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use a top and bottom rail as in Teleskivi in the structure of Tang to give the door rigidity all the way around.

Tang shows a hinge stile (29), and a latch stile (29) defining a door void (28) there between.

Tang shows a filled void between the first and second sheets of fire-resistant material and the plurality of spacers and the vertical edges (Fig. 2).

Regarding claim 2, 12, Tang shows the basic claimed structure. Tang does not show gypsum-based material. Teleskivi shows fire resistant insulating material comprises a gypsum-based material. (Col. 2, Line 35-40). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use gypsum-based material as in Teleskivi in the structure of Tang to act as a fire-resistant insulating material.

Regarding claim 3, 13, the fire-resistant insulating material has a fibrous mat (28) there around. (Fig. 2)

Regarding claim 5, 15, there is a plurality of studs. (Fig. 2)

Regarding claim 6, 16, Tang shows steel studs (12). (Fig. 2)

Regarding claim 7, 17, the first outer skin and the second outer skin form a void there between. (Fig. 2)

Regarding claim 8, 18, the void has fill material (28). (Fig. 2)

Regarding claim 4, 14, Tang shows the plurality of studs (11) is wood (Fig. 2)..

Regarding claim 10, 11, Tang shows the basic claimed structure. Tang shows the first and second sheets of fire resistant insulating material (23, 24) are coupled to the first vertical edge (27), the second vertical edge (27), but not the top rail and the bottom rail (Fig. 2). Teleskivi shows the outer panels coupled to the first vertical edge (24), the second vertical edge (24), the top rail (24) and the bottom rail (24) (Fig. 2, 3). It would have been obvious to one of ordinary skill in the art at the time the present

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invention was made to couple the fire resistant insulating material to the first vertical edge, the second vertical edge, the top rail, and the bottom rail to protect the door all the way around the door.

Tang does not show fiber-strengthened composite. Teleskivi shows fiber-strengthened composite (Col. 2, Line 35-40). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use fiber-strengthened composite as in Teleskivi in the structure of Tang to give strength to the door.

Regarding claim 19, 25, Tang shows the basic claimed structure. Tang does not show predetermined thickness. It would have been an obvious design choice to have a predetermined thickness.

Regarding claim 26, Tang shows a first vertical edge (29), a second vertical edge (29) spaced apart from the first vertical edge, a plurality of spaced-apart spacers (27) disposed between the first vertical edge, said second vertical edge, having a first side and a second side, a first sheet of fire-resistant material coupled to the first side, and a second sheet of fire-resistant material (24) coupled to the second side, a first outer skin (21) coupled to the first sheet opposite the plurality of spacers, and a second outer skin (22) coupled to the second sheet opposite the plurality of spacers (Fig. 2)

Tang does not show a top rail, and a bottom rail coupled to the vertical edges. Teleskivi shows a top rail (24) and a bottom rail (24) coupled to the vertical edges (Fig. 2, 3). It would have been obvious to one of ordinary skill in the art at the time the

present invention was made to have top and bottom rails as in Teleskivi in the structure of Tang to give the door rigid strength.

Tang does not show gypsum-based fire resistant insulating material. Teleskivi teaches gypsum-based fire resistant material (Col. 2, Line 35-40). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use gypsum-based fire resistant material as in Teleskivi in the structure of Tang to provide strong fire resistant material in the door.

Regarding claim 27, Tang shows the basic claimed structure. Tang does not show the first sheet and second sheet of fire-resistant insulating material coupled to the first vertical edge, the second vertical edge, the top rail and the bottom rail. Teleskivi shows the first sheet (20) and the second sheet (20') of material coupled to the first vertical edge (24), the second vertical edge (24), the top rail (24) and the bottom rail (24) (Fig. 2, 3). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to modify Tang's fire-resistant material with Teleskivi's panel material coupled around the edges to provide fire protection all the way around the door.

Regarding claim 28, Tang shows the basic claimed structure. Tang does not show fiber-strengthened. Teleskivi shows fiber-strengthened material (Col. 2, Line 35-40). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use fiber-strengthened material as in Teleskivi in the structure of Tang to provide strong doors.

Claim 24 rejected under 35 U.S.C. 102(b) as being anticipated by Quinif.

Regarding claim 24, Quinif shows a first vertical edge (16), a second vertical edge (16), a top rail (14), a bottom rail (14), a plurality of space apart spacers (28), first and second sheets of fire-resistant material (20), a plurality of voids (Fig. 6, 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinif in view of Teleskivi.

Regarding method claim 20, Quinif shows a plurality of spaced apart spacers (28), a pair of rails (16) and a pair of stiles (14) between a first sheet of fire-resistant insulating material (20) and a second sheet of fire-resistant insulating material (20) to form a plurality of unfilled voids therebetween (Fig. 1, 6).

Quinif does not show coupling a first and second outer skin to the first and second sheet of fire-resistant material. Teleskivi shows a first and second outer skin (26) coupled to the first and second sheet of fire-resistant material (20) (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to couple a first and second outer skin to give the door the desired appearance.

Regarding method claim 21, Quinif shows coupling forms a void between the plurality of spaced apart studs (16), the first sheet of fire-resistant insulating material (20) and the second sheet of fire-resistant insulating material (20) (Fig. 6).

Regarding method claim 22, Quinif shows the basic claimed structure. Quinif does not show filling the void with a lightweight fire-resistant insulating material different from the first fire-resistant insulating material and the second fire resistant insulating material. Teleskivi shows a different fire-resistant insulating material (22) (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to use the different fire-resistant material as in Teleskivi in the structure of Quinif void's to further protect from fire.

Regarding method claim 23, Quinif shows coupling a plurality of spaced apart spacers (28) comprises coupling a plurality of spaced apart studs (16) between a first sheet of fire-resistant material and a second sheet of fire-resistant material (Fig. 1, 6).

Response to Arguments

Applicant's arguments with respect to claim 1-25 have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Turpin et al. shows a gypsum board/intumescent material fire barrier wall. Kempel shows a door construction. Roberts shows a partition and stud therefor.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV
July 12, 2004



Carl D. Friedman
Supervisory Patent Examiner
Group 3600